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# **Notice of Allowability**

Application No.

10/646,600

Examiner

Dao H Nguyen

Applicant(s)

JIN, SUNGHO

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspond nc address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/15/2004.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ The drawings filed on 15 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of ~~Paper No./Mail Date 0504~~.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

David Nelms

Supervisory Patent Examiner  
Technology Center 2800

### **DETAILED ACTION**

1. In response to the communications dated 08/23/2003 through 01/15/2004, claims 1-9 are active in this application.

### **Drawings**

2. The drawings are objected to for the following reasons.

Figure 2 is not designated by a legend such as "Prior Art". The Legend is necessary in order to clarify what applicant's invention is (see MPEP § 608.02g).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figures 3(a-b) do not show the reference characters "30" described in page 6, line 2 of Applicant's specification.

A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application.

### **Examiner's Amendment**

3. An examiner's amendment to the record appears below. Should the changes and /or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.3.12. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

4. The following amendment has been made to the claim(s) upon agreement by applicant during a telephone conversation with Mr. Glen E. Books on 05/24/2004:

In claim 1, line 4, the phrase "the improvement" has been eliminated.

In claim 1, line 5, the word "grid" has been changed to -gate--.

In claims 2-6 and 8-9, all in line 1, the words "improved" have been eliminated.

In claim 2, line 2, the word "grid" has been changed to -gate--.

In claim 7, line 2, the phrase "comprising electron emitters" has been eliminated.

In claim 7, line 6, the word "grid" has been changed to -gate--.

In claim 7, line 6, the phrase "the improvement" has been eliminated.

#### **Reason for Allowance**

5. The following is an examiner's statement of reason for allowance:

None of the references of record teaches or suggests the claimed vacuum microtube device (in addition to the other limitations in the claim) wherein the spacing between the gate and the cathode is tunable (claim 1); or wherein the flexural member

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comprises a magnetic component for permitting change of position by an external magnetic field (claim 7).

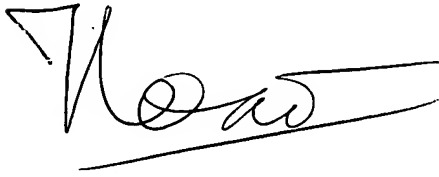
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao Nguyen whose telephone number is (571)272-1791. The examiner can normally be reached on Monday-Friday 9:00am – 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571)272-1787. The fax numbers for all communication(s) is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1625.

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A handwritten signature in black ink, appearing to read 'Dao H. Nguyen', with a long horizontal stroke extending to the right.

Dao H. Nguyen  
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May 24, 2004

A handwritten signature in black ink, appearing to read 'David Nelms', with a large, stylized initial 'D'.

David Nelms  
Supervisory Patent Examiner  
Technology Center 2800